UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK		
	- X	
MAYA HAYUK,	:	
	:	
Plaintiff,	:	Case No: 15-cv-04887 (LTS) (HBP)
	:	
v.	:	
STARBUCKS CORPORATION and	:	
72ANDSUNNY PARTNERS, LLC,	:	
	:	
Defendants.	:	
	:	
	X	

DECLARATION OF ANDREW D. JACOBS IN FURTHER SUPPORT OF <u>DEFENDANTS' MOTION TO DISMISS</u>

- I, Andrew D. Jacobs, declare under penalty of perjury that the following is true and correct:
- 1. I am an associate at Frankfurt Kurnit Klein & Selz P.C., attorneys for defendants Starbucks Corporation and 72andSunny Partners, LLC (collectively, the "Defendants") in this action. I submit this declaration along with the accompanying reply memorandum of law in further support of Defendants' motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
- 2. Attached hereto as **Exhibit A** is a true and correct copy of a chart displaying the comparisons plaintiff Maya Hayuk made of her works to defendants' works in the Complaint and Demand for Jury Trial and Hayuk's memorandum of law in opposition to Defendants' motion to dismiss.

Dated: New York, New York	
September 10, 2015	/s/ Andrew D. Jacobs
•	Andrew D. Jacobs

CEXHIBITY-A4887 the Decularation Fifd And the PP. Jacobs

Starbucks Works

		Mini Frappuccino	Starbucks.com - US	Starbucks.com - UK	Frappuccino.com	Outdoor chalkboard	Menu chalkboard with	YouTube video still 1	Chalkboard "actual	Storefront window	YouTube still 2	\neg
		Cup	& Canada	O COLD TO SERVICE TO S	FAN FLAVORS		cups		size"	STÁRBUCISO.		
			1		ARE HERE		Time. Time to the control of the co		mini		Starbucks UK - Fragpurchine Happy Hour Annual Happy Hour 211,354	
Hayuk Works	Sexy Gazebo	O		O			O	С				
	Kites #1		O		C				O	O		
	Hands Across the Universe	С	O		O	O						
	The Universe		O		O	C/O						
	The Universe II		О		O	О					С	

Legend

- O: Starbucks work is asserted to infringe the Hayuk work in Hayuk's opposition to Defendants' motion to dismiss
- C: Starbucks work is asserted to infringe the Hayuk work in Hayuk's Complaint